

Jean R. Uranga  
URANGA & URANGA  
714 North 5th Street  
P.O. Box 1678  
Boise, Idaho 83701  
Telephone: (208) 342-8931  
Facsimile: (208) 384-5686  
Idaho State Bar No. 1763

Attorneys for the Board

BEFORE THE IDAHO STATE BOARD OF MEDICINE

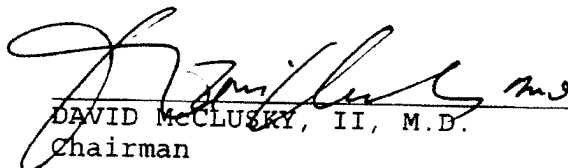
In the Matter of:	)	
	)	Case No. 2008-BOM-6134
JENNY L. KEZELE, A.T.,	)	
License No. AT-324,	)	<b>ORDER TERMINATING</b>
	)	<b>STIPULATION AND ORDER</b>
Respondent.	)	
_____	)	

This matter came on for consideration by the Idaho State Board of Medicine on June 4, 2010, upon Respondent's request to terminate the Stipulation and Order. The Board reviewed the status of the Stipulation and Order issued by the Board on May 9, 2008. Based upon the foregoing,

IT IS HEREBY ORDERED That the Stipulation and Order of the Idaho State Board of Medicine, entered May 9, 2008, is hereby TERMINATED.

DATED This 21 day of June, 2010.

IDAHO STATE BOARD OF MEDICINE

  
\_\_\_\_\_  
DAVID McCLUSKY, II, M.D.  
Chairman

RECEIVED

JUN 25 2010

IDAHO STATE BOARD  
OF MEDICINE

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BEFORE THE IDAHO STATE BOARD OF MEDICINE

In the Matter of:	)	
	)	Case No. 2008-BOM-6134
JENNY L. KEZELE, A.T.,	)	
License No. AT-324,	)	CERTIFICATE OF SERVICE
	)	
Respondent.	)	
_____	)	

I HEREBY CERTIFY That on the 24 day of June, 2010, I served a true and correct copy of the ORDER TERMINATING STIPULATION AND ORDER entered by the Board on June 21, 2010, upon the Respondent by depositing a copy thereof to:

**PERSONAL AND CONFIDENTIAL**  
Jenny L. Kezele  
84150 Winesap Road  
Milton Freewater, Oregon 97862

  
\_\_\_\_\_  
JEAN R. URANGA

RECEIVED

MAY 12 2008

BEFORE THE IDAHO STATE BOARD OF MEDICINE IDAHO STATE BOARD  
OF MEDICINE

In the Matter of:

JENNY L. KEZELE, A.T.,  
License No. AT- 324

Respondent.

Case No. 2008-BOM-6134

STIPULATION AND ORDER

COMES NOW the Idaho State Board of Medicine, hereinafter referred to as the Board, and Jenny L. Kezele, A.T., hereinafter referred to as Respondent, and stipulate and agree as follows:

I

Respondent is the holder of an Idaho license to provide athletic trainer services, License No. AT-324 issued by the Idaho State Board of Medicine on May 6, 2008. Said licensure is subject to the provisions of Title 54, Chapter 39, Idaho Code, commonly known as the Athletic Trainers Practice Act, and IDAPA 22.01.10, "Rules for the Licensure of Athletic Trainers to Practice in Idaho."

II

On or about July 18, 2007, Respondent was employed by Boise State University, Athletic Department, located at 1910 University Drive, Boise, Idaho, as the athletic trainer to provide athletic trainer services under the direction and supervision of Cynthia Satterfield, Associate Athletic Trainer, and George A. Wade, M.D., Directing Physician.

Respondent provided athletic trainer services during the Fall 2007 Season to the Boise State Women's Soccer Team including, but not limited to, providing all aspects of first aid procedures and emergency medical attention. As the athletic trainer for Boise State Women's Soccer Team, she carried out the practice of prevention, care and reconditioning of physical

injuries incurred by the women athletes under the direction and supervision of Ms. Satterfield and Dr. Wade.

Pursuant to receipt of Respondent's pre-application on August 28, 2007, Respondent was mailed an application on August 31, 2007. The application included a GENERAL CHECKLIST FOR ATHLETIC TRAINER APPLICANTS with a notice that:

**NO PRACTICE IS PERMITTED PRIOR TO ISSUANCE OF A LICENSE NUMBER.**

**Applicants are advised not to enter irrevocable contracts, purchase or sales agreements, on the assumption that licensure will be granted.**

On November 26, 2007, The Board mailed a letter notifying Respondent that her application lacked certain documents and advising:

**Please be advised:** It is unlawful for any unlicensed person to work as an athletic trainer or provisional athletic trainer in Idaho, or to have such work described as athletic training. The filing of an application does not constitute licensure; the application must be formally approved and a license number issued by the Board of Athletic Trainers.

Respondent's application was completed on January 18, 2008. On February 1, 2008, a letter, via Certified Mail, was mailed to Respondent advising her application for licensure would require a full Board interview with the Idaho Board of Athletic Trainers and again putting her on notice that:

**Please be advised:** It is unlawful for any unlicensed person to work as an athletic trainer or provisional athletic trainer in Idaho, or to have such work described as athletic training. The filing of an application does not constitute licensure; the application must be formally approved and a license number issued by the Board of Athletic Trainers.

On April 21, 2008, Respondent appeared before the Board of Athletic Trainers and acknowledged she was employed by Boise State University, Athletic Department as an athletic trainer to provide athletic trainer services in Idaho from about July 18, 2007 until present. Respondent acknowledged she held herself and represented herself to be an athletic trainer in Idaho, which indicated to the public that she was licensed as athletic trainer or had been issued

provisional licensure prior to being licensed from about July 18, 2007 until present. Respondent acknowledged the Board provided written notification to her of the requirement for licensure as an athletic trainer on August 31, 2007, November 26, 2007 and February 1, 2008.

Therefore, the Board received information from Respondent and various persons that Respondent offered to practice as an athletic trainer; was employed on a salary basis as a athletic trainer for Boise State Women's Soccer Team; performed the duties of an athletic trainer as a responsibility of her employment; and represented herself to be an athletic trainer, during the period of July 18, 2007 until present, while she was not licensed in Idaho.

### III

The acts and practices of Respondent, as alleged in Paragraph II above, constitute violations of Title 54, Chapter 39, Idaho Code, commonly known as the Athletic Trainers Practice Act and IDAPA 22.01.10, in that she:

(1) Practiced as an athletic trainer which indicated to the public that she was licensed as athletic trainer or had been issued provisional licensure prior to being licensed, in violation of Idaho Code §54-3904.

(2) Offered to practice as an athletic trainer, which indicated to the public that she was licensed as athletic trainer or had been issued provisional licensure prior to being licensed, in violation of Idaho Code §54-3904.

(3) Represented herself to be an athletic trainer, which indicated to the public that she was licensed as athletic trainer or had been issued provisional licensure prior to being licensed, in violation of Idaho Code §54-3904.

(4) Engaged in unprofessional conduct as she violated the provisions of IDAPA 22.01.10.052.03(b) and (e), i.e., the code of ethics adopted and published by the Board, and violated the provisions of Idaho Code §54-3911(1)(b), as she practiced, offered to practice and represented herself to be an athletic trainer, which indicated to the public that she was licensed

as athletic trainer or had been issued provisional license prior to being licensed in Idaho.

IV

The Board believes it has sufficient evidence to support disciplinary action based upon these allegations, but rather than pursuing a formal investigation and hearing, the parties are voluntarily agreeing to probationary conditions and are voluntarily entering into this Stipulation and Order for the purpose of informally responding to the concerns of the Board and for the purpose of providing an acceptable procedure for dealing with the alleged problems.

V

Respondent knowingly and voluntarily waives any right to a formal hearing, to present evidence, to cross-examine witnesses, to reconsideration and appeal and to other rights accorded her pursuant to the Administrative Procedure Act; Title 54, Chapter 39, Idaho Code, commonly known as the Athletic Trainers Practice Act; and the Rules of Practice and Procedure of the Board, which she might otherwise possess with respect to this Stipulation.

VI

In order to respond to these allegations, Respondent hereby stipulates and agrees that:

(1) Respondent shall enroll in a Board approved course in ethics pertinent to health care providers for credit from an accredited institution. To this end, Respondent will submit a list of class descriptions of the courses in ethics to the Board staff for approval within six (6) weeks of the last date of signature below. Respondent shall provide written documentation of satisfactory completion of the approved course in ethics to the Board within one (1) year of the date of approval.

(2) Respondent shall provide a copy of this Stipulation and Order to all employers, immediate supervisors, athletic directors and her Directing Physician. Respondent shall provide written documentation of satisfactory completion of this provision to the Board within six (6) weeks of the last date of signature below.

(3) Respondent shall pay the Board five hundred dollars (\$500.00) to reimburse administrative costs and fees incurred in this matter within six (6) months of the last date of signature below.

(4) Respondent shall obey all federal, state and local laws, and all rules governing the practice of athletic trainers in Idaho.

(5) In the event that Respondent should leave Idaho for three (3) continuous months, or reside or practice outside the State, Respondent must notify the Board in writing of the dates of departure and return. Periods of time spent outside Idaho will not apply to the reduction of this period under the Stipulation and Order.

#### VII

This Stipulation and Order shall remain in force for two (2) years from the last date of signature below. The above-described terms, limitations and conditions may be amended in writing at any time upon the agreement of both parties, however, this Stipulation and Order shall remain in force for a minimum of one (1) year prior to any request for termination.

#### VIII

If, in the discretion of the Idaho State Board of Medicine, Respondent appears to have violated or breached any terms or conditions of this Stipulation and Order, the Idaho State Board of Medicine reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including, but not limited to, alleged violations of the laws of Idaho occurring before the effective date of this Stipulation and Order.

#### IX

Any action initiated by the Board based on alleged violations of this Stipulation and Order shall comply with the Administrative Procedure Act; Title 54, Chapter 39, Idaho Code, commonly known as the Athletic Trainers Practice Act; and the Rules of Practice and Procedure of the Board.

X

Respondent agrees to execute a Release, in the form attached hereto as Exhibit A, releasing the Idaho State Board of Medicine, Committee on Professional Discipline of the Idaho State Board of Medicine, Idaho Board of Athletic Trainers and their members, employees, agents, officers, representatives, attorneys, consultants and witnesses, jointly and severally, from any and all liability arising from their participation or involvement in the Board's investigation of Jenny L. Kezele, A.T., and in the prosecution of this disciplinary proceeding.

XI

This Stipulation and Order shall be considered a public record as that term is used in the Idaho Code. This Stipulation and Order shall become effective upon the last date of signature below.

XII

Respondent further agrees to execute a Release, in the form attached hereto as Exhibit B, authorizing any person or entity having information relevant to Respondent's compliance with the provisions of this Stipulation and Order to release such information to the Board.

DATED This 9 day of May 2008.

THE IDAHO STATE BOARD OF MEDICINE

  
STEPHEN R. MARANO, M.D.  
Chairman

DATED This 10 day of May, 2008.

  
JENNY L. KEZELE, A.T.

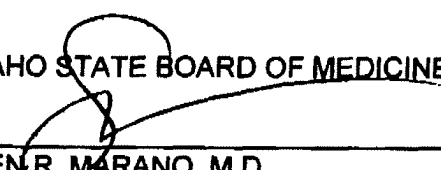


ORDER

Pursuant to Idaho Code §§54-3912(1)(b) and (e) and 54-3914(1) and (4) the Board hereby accepts the terms and conditions of the foregoing Stipulation and it is hereby ordered that Respondent comply with said terms and conditions. Based upon the foregoing, further formal proceedings will be waived.

DATED This 9 day of May, 2008.

THE IDAHO STATE BOARD OF MEDICINE

  
STEPHEN R. MARANO, M.D.  
Chairman

## RELEASE AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, JENNY L. KEZELE, A.T., being of lawful age, for the sole consideration of the informal resolution of the pending disciplinary action by the Idaho State Board of Medicine, as may be recommended by the Board of Athletic Trainers, and if so, is hereby acknowledged, does hereby release, acquit and forever discharge the Idaho State Board of Medicine, Idaho State Board of Athletic Trainers and their members, employees, agents, officers, representatives, attorneys, consultants and witnesses, jointly and severally, from any and all claims, actions, causes of action, demands, rights, damages, costs, loss of service, expense and compensation whatsoever which the undersigned now has or which may hereafter accrue on account of or in any way growing out of any and all known and unknown, foreseen and unforeseen bodily, personal and emotional injuries and property damage and the consequences thereof resulting, or to result from, the Board's investigation, informal resolution and disciplinary proceedings against JENNY L. KEZELE, A.T.

It is understood and agreed that this settlement is the compromise of a disputed claim, and that the settlement made is not to be construed as an admission of liability on the part of the parties hereby released, and that said releasees deny liability therefor and intend merely to avoid litigation and buy their peace.

The undersigned hereby declares and represents that the damages sustained are or may be permanent and progressive and that recovery therefrom is uncertain and indefinite, and in making this release it is understood and agreed that the undersigned relies wholly upon undersigned's judgment, belief and knowledge of the nature, extent, effect and duration of said damages and liability therefor and is made without reliance upon any statement or representation of the parties released or their representatives or by anyone employed by them.

The undersigned further declares and represents that no promise, inducement or agreement not herein expressed has been made to the undersigned, and that this release contains the entire agreement between the parties hereto, and that the terms of this release are contractual and not a mere recital.

THE UNDERSIGNED HAS READ THE FOREGOING RELEASE AND FULLY UNDERSTANDS IT.

  
JENNY L. KEZELE, A.T.

EXHIBIT A

RELEASE AGREEMENT APPROVED AS TO CONTENT AND FORM:

\_\_\_\_\_  
Attorney for JENNY L. KEZELE, A.T.

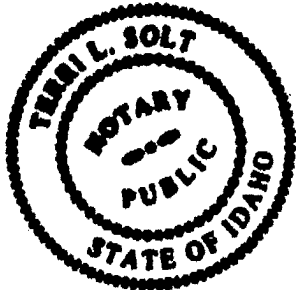
\_\_\_\_\_, 2008  
Date

STATE OF IDAHO)

County of Ada : ss

On this 6<sup>th</sup> day of May, 2008, before me, the undersigned, a Notary Public in and for said State, personally appeared JENNY L. KEZELE, A.T., known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Terri L. Solt

NOTARY PUBLIC FOR IDAHO

Residing at: Boise, ID

My Commission Expires: 12/14/2010

EXHIBIT A

## AUTHORIZATION FOR RELEASE OF INFORMATION

I hereby authorize and direct any institution, school, physician or other person who has any information regarding my compliance with Stipulation and Order, Case No.: 2008-ATH-6134, of the Idaho State Board of Medicine, at any time to release any and all records, reports and/or information to the Idaho State Board of Medicine, to Jean R. Uranga, attorney for the Idaho State Board of Medicine, or to such other representative of the Idaho State Board of Medicine as may be designated, for examination and for copying thereof, upon request for such records, reports or information.

I further authorize any institution, school, physician or other person who has such information to consult with or discuss such information with any of the above entities or persons.

I further consent that a photocopy of this Authorization may be used in lieu of the original hereof and shall be considered valid for the shorter of the time in which the Stipulation and Order is in effect or five (5) years from the date of my signature below.

Upon my own knowledge and with legal consultation, I understand the nature of this Authorization for Release of Information with regard to my licensure to provide athletic trainer services in Idaho.

I, and my heirs, do hereby release the Idaho State Board of Medicine, Committee on Professional Discipline, Idaho Board of Athletic Trainers and its members, attorneys, representatives, employees and agents, from all liability and all claims of any nature whatsoever pertinent to the records and information released in connection with Stipulation and Order, Case No.: 2008-ATH-6134.

DATED This 6 day of May, 2008.

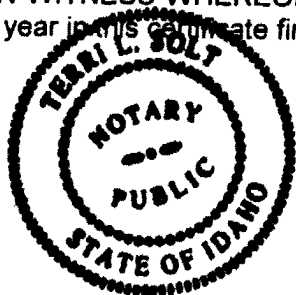
  
JENNY L. KEZELE, A.T.

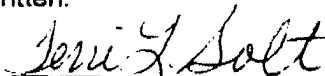
STATE OF IDAHO)

County of Ada :ss

On this 6th day of May, 2008, before me, the undersigned, a Notary Public in and for said State, personally appeared JENNY L. KEZELE, A.T., known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.





NOTARY PUBLIC FOR IDAHO

Residing at: Boise, ID

My Commission Expires: 12/14/2010

EXHIBIT B